

WIPO



H/DC/4

ORIGINAL: English

DATE: December 15, 1998

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

**DIPLOMATIC CONFERENCE
FOR THE ADOPTION OF A NEW ACT OF THE HAGUE
AGREEMENT CONCERNING THE INTERNATIONAL DEPOSIT
OF INDUSTRIAL DESIGNS**

Geneva, June 16 to July 6, 1999

BASIC PROPOSAL FOR THE REGULATIONS UNDER THE NEW ACT OF THE
HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF
INDUSTRIAL DESIGNS

*submitted, under Rule 29(1)(a) of the Draft Rules of Procedure,
by the Director General of WIPO*

DRAFT REGULATIONS UNDER
THE NEW ACT OF THE HAGUE AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

TABLE OF CONTENTS

CHAPTER 1: GENERAL PROVISIONS

- Rule 1: Definitions
- Rule 2: Communications with the International Bureau; Signature
- Rule 3: Representation Before the International Bureau
- Rule 4: Calculation of Time Limits
- Rule 5: Irregularities in Postal and Delivery Services
- Rule 6: Languages

CHAPTER 2: INTERNATIONAL APPLICATION AND INTERNATIONAL REGISTRATION

- Rule 7: Requirements Concerning the International Application
- Rule 8: Special Requirements Concerning the Applicant
- Rule 9: Reproductions of the Industrial Design
- Rule 10: Specimens of the Industrial Design Where Deferment of Publication Is Requested
- Rule 11: Identity of Creator; Description; Claim
- Rule 12: Fees Concerning the International Application
- Rule 13: International Application Filed Through an Office
- Rule 14: Examination by the International Bureau
- Rule 15: Deferment of Publication
- Rule 16: Registration of the Industrial Design in the International Register
- Rule 17: Publication of the International Registration

CHAPTER 3: REFUSALS AND INVALIDATIONS

- Rule 18: Notification of Refusal
- Rule 19: Irregular Refusals
- Rule 20: Invalidations in Designated Contracting Parties

CHAPTER 4: CHANGES AND CORRECTIONS

- Rule 21: Recordal of a Change
- Rule 22: Corrections in the International Register

CHAPTER 5: RENEWALS

- Rule 23: Unofficial Notice of Expiration
- Rule 24: Details Concerning Renewal
- Rule 25: Recordal of the Renewal; Certificate

CHAPTER 6: BULLETIN

- Rule 26: Bulletin

CHAPTER 7: FEES

- Rule 27: Payment of Fees
- Rule 28: Currency of Payments
- Rule 29: Crediting of Fees to the Accounts of the Contracting Parties Concerned

CHAPTER 8: MISCELLANEOUS

- Rule 30: Amendment of Certain Rules
- Rule 31: Administrative Instructions
- Rule 32: Declarations Made by Contracting Parties

CHAPTER 1
GENERAL PROVISIONS

Rule 1
Definitions

(1) [*References to the Act*] (a) For the purposes of these Regulations, “the Act” means the Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July .., 1999.

(b) In these Regulations, the word “Article” refers to the specified Article of the Act.

(2) [*Abbreviated Expressions*] For the purposes of these Regulations,

(i) an expression which is referred to in Article 1 has the same meaning as in the Act;

(ii) “Administrative Instructions” means the Administrative Instructions referred to in Rule 31;

(iii) “official form” means a form established by the International Bureau or any form having the same contents and format;

(iv) “prescribed fee” means the applicable fee set out in the Schedule of Fees;

(v) “legal entity” means a corporation, association or other group or organization which, under the law applicable to it, is capable of acquiring rights, assuming obligations and suing or being sued in a court of law; a legal entity is considered to be a national of the State in which it is incorporated or under whose law it is organized;

(vi) “Bulletin” means the periodical bulletin in which the International Bureau effects the publications provided for in the Act or these Regulations, whatever the medium used.

Rule 2
Communications with the International Bureau; Signature

(1) [*Communication in Writing; Several Documents in One Envelope*]

(a) Communications addressed to the International Bureau shall be effected in writing by typewriter or other machine and shall be signed.

(b) If several documents are mailed in one envelope, they should be accompanied by a list identifying each of them.

(2) [*Signature*] A signature shall be handwritten, printed or stamped; it may be replaced by the affixing of a seal.

(3) [*Communications by Telefacsimile*] Any communication may be addressed to the International Bureau by telefacsimile, provided that, where the communication must be presented on an official form, the official form is used for the purposes of the telefacsimile communication.

(4) [*Acknowledgment and Date of Receipt of Telefacsimile by the International Bureau*] (a) The International Bureau shall promptly and by telefacsimile inform the sender of a telefacsimile communication of the receipt of that communication, and, where the telefacsimile communication received is incomplete or illegible, of that fact also, provided that the sender can be identified and can be reached by telefacsimile.

(b) Where a communication is transmitted by telefacsimile and, because of the time difference between the place from where the communication is transmitted and Geneva, the date on which the transmittal started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

Rule 3
Representation Before the International Bureau

(1) [*Representative; Address of Representative; Number of Representatives*] (a) The applicant or the holder may have a representative before the International Bureau.

(b) Only one representative may be appointed in respect of a given international application or international registration. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such.

(c) Where a partnership or firm composed of attorneys or patent or trademark agents has been indicated as representative to the International Bureau, it shall be regarded as one representative.

(2) [*Appointment of the Representative*] (a) The appointment of a representative may be made in the international application, provided that the application is signed by the applicant.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

(c) Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative.

(3) [*Recordal and Notification of Appointment of a Representative; Effective Date of Appointment*] (a) Where the International Bureau finds that the appointment of a representative complies with the applicable requirements, it shall record the fact that the applicant or holder has a representative, as well as the name and address of the representative, in the International Register. In such a case, the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed.

(b) The International Bureau shall notify the recordal referred to in subparagraph (a) to both the applicant or holder and the representative.

(4) [*Effect of Appointment of a Representative*] (a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (3)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that an invitation, notification or other communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (3)(a) any invitation, notification or other communication which, in the absence of a representative, would

[Rule 3(4)(b), continued]

have to be sent to the applicant or holder; any invitation, notification or other communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (3)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

(5) [*Cancellation of Recordal; Effective Date of Cancellation*] (a) Any recordal under paragraph (3)(a) shall be canceled where cancellation is requested in a communication signed by the applicant, holder or representative. The recordal shall be canceled *ex officio* by the International Bureau where a new representative is appointed or where a change in ownership is recorded and no representative is appointed by the new holder of the international registration.

(b) The cancellation shall be effective from the date on which the International Bureau receives the corresponding communication.

(c) The International Bureau shall notify the cancellation and its effective date to the representative whose recordal has been canceled and to the applicant or holder.

Rule 4
Calculation of Time Limits

(1) [*Periods Expressed in Years*] Any period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, except that, where the event occurred on February 29 and in the relevant subsequent year February ends on the 28th, the period shall expire on February 28.

(2) [*Periods Expressed in Months*] Any period expressed in months shall expire, in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) [*Periods Expressed in Days*] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire accordingly.

(4) [*Expiry on a Day on Which the International Bureau or an Office Is Not Open to the Public*] If a period expires on a day on which the International Bureau or the Office concerned is not open to the public, the period shall, notwithstanding paragraphs (1) to (3), expire on the first subsequent day on which the International Bureau or the Office concerned is open to the public.

Rule 5
Irregularities in Postal and Delivery Services

(1) [*Communications Sent Through a Postal Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,

(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and

(iii) in cases where not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.

(2) [*Communications Sent Through a Delivery Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and

(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.

(3) [*Limitation on Excuse*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or (2) and the communication or a duplicate thereof are received by the International Bureau not later than six months after the expiry of the time limit.

Rule 6
Languages

- (1) [*International Application*] The international application shall be in English or French.

- (2) [*Recordal and Publication*] The recordal in the International Register and the publication in the Bulletin of the international registration and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in English and French. The recordal and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

- (3) [*Communications*] Any communication concerning an international application or the international registration resulting therefrom shall be
 - (i) in English or French where such communication is addressed to the International Bureau by the applicant or holder, or by an Office;

 - (ii) in the language of the international application where the communication is addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that all such communications are to be in English or that all such communications are to be in French;

(iii) in the language of the international application where the communication is addressed by the International Bureau to the applicant or holder unless, following a change in ownership, the new holder has expressed the wish to receive all such communications in English although the international application was in French, or *vice versa*.

CHAPTER 2
INTERNATIONAL APPLICATIONS AND INTERNATIONAL REGISTRATIONS

Rule 7
Requirements Concerning the International Application

(1) [*Form and Signature*] The international application shall be presented on the official form. The international application shall be signed by the applicant.

(2) [*Fees*] The prescribed fees applicable to the international application shall be paid as provided for in Rules 27 and 28.

(3) [*Mandatory Contents of the International Application*] The international application shall contain or indicate

(i) the name of the applicant, given in accordance with the Administrative Instructions;

(ii) the address of the applicant, given in accordance with the Administrative Instructions;

(iii) the applicant's Contracting Party;

(iv) the product or products which constitute the industrial design or in relation to which the industrial design is to be used, with an indication whether the product or products constitute the industrial design or are products in relation to which the industrial design is to be used; the product or products shall preferably be identified by using terms appearing in the list of goods of the International Classification;

(v) the number of reproductions or specimens of the industrial design accompanying the international application in accordance with Rule 9 or 10;

(vi) the designated Contracting Parties;

(vii) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(4) [*Additional Contents of an International Application*] (a) Where the international application contains the designation of a Contracting Party that has notified the Director General, in accordance with Article 17(1), that its law requires one or more of the following elements in order for an application for the grant of protection to an industrial design to be accorded a filing date:

[Rule 7(4)(a), continued]

- (i) indications concerning the identity of the creator of the industrial design,
- (ii) a description of the reproduction or of the characteristic features of the industrial design,
- (iii) a claim,

the international application shall contain the element or elements required by that Contracting Party, in accordance with Rule 11.

(b) An element referred to in item (i) or (ii) of subparagraph (a) may, at the option of the applicant, be included in the international application even where that element is not required in consequence of a notification in accordance with Article 17(1).

(c) Where Rule 8 applies, the international application shall contain the indications referred to in Rule 8(2) and, where applicable, be accompanied by the statement or document referred to in that Rule.

(d) Where the applicant has a representative, the international application shall state the name and address of the representative, given in accordance with the Administrative Instructions.

(e) Where the applicant wishes, under Article 4 of the Paris Convention, to take advantage of the priority of an earlier filing, the international application shall contain a declaration claiming the priority of that earlier filing, together with an indication of the name of the Office where such filing was made and of the date and, where available, the number of that filing and, where the priority claim relates to less than all the industrial designs contained in the international application, the indication of those industrial designs to which the priority claim relates.

(f) Where the applicant wishes to take advantage of Article 11 of the Paris Convention, the international application shall contain a declaration that the product or products which constitute the industrial design or in which the industrial design is incorporated have been shown at an official or officially recognized international exhibition, together with the place where the exhibition was held and the date on which the product or products were first exhibited there and, where less than all the industrial designs contained in the international application are concerned, the indication of those industrial designs to which the declaration relates.

(g) Where the applicant wishes that publication of the industrial design be deferred in accordance with Article 10, the international application shall contain a request for deferment of publication.

[Rule 7(4), continued]

(h) The international application may also contain

(i) a declaration that the applicant believes that the industrial design is novel;

(ii) a statement of what constitutes the novelty of the industrial design;

(iii) where the applicant is not the creator of the industrial design, an indication of the basis of the applicant's right to file the international application or to be the holder of an international registration in respect of the industrial design.

(i) The international application may be accompanied by a statement that identifies information known by the applicant to be material to the eligibility for protection of the industrial design concerned.

(5) [*No Additional Matter*] If the international application contains any matter other than that required or permitted by the Act, these Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau shall dispose of the said document.

(6) [*All Products to Be in Same Class*] All the products which constitute the industrial designs to which an international application relates, or in relation to which the industrial designs are to be used, shall belong to the same class of the International Classification.

Rule 8
Special Requirements Concerning the Applicant

(1) [*Notification of Special Requirements*] (a) Where the law of a Contracting Party requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of that fact.

(b) The declaration referred to in subparagraph (a) shall specify the form and mandatory contents of any statement or document required for the purposes of paragraph (2).

(2) [*Identity of the Creator and Assignment of International Application*] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1),

(i) it shall also contain indications concerning the identity of the creator of the industrial design, together with a statement, complying with the requirements specified in accordance with paragraph (1)(b), that the latter believes himself to be the creator of the industrial design; the person so identified as the creator shall be deemed to be the applicant for the purposes of the designation of that Contracting Party, irrespective of the person named as the applicant in accordance with Rule 7(3)(i);

(ii) where the person identified as the creator is a person other than the person named as the applicant in accordance with Rule 7(3)(i), the international application shall be accompanied by a statement or document, complying with the requirements specified in accordance with paragraph (1)(b), to the effect that it has been assigned by the person identified as the creator to the person named as the applicant. The latter person shall be recorded as the holder of the international registration.

Rule 9
Reproductions of the Industrial Design

(1) [*Form and Number of Reproductions of the Industrial Design*] (a) Reproductions of the industrial design shall, at the option of the applicant, be in the form of photographs or other graphic representations of the industrial design itself or of the product or products which constitute the industrial design. The same product may be shown from different angles; views from different angles may be included in the same photograph or other graphic representation or in different photographs or other graphic representations.

(b) Any reproduction shall be submitted in the number of copies prescribed in the Administrative Instructions.

(2) [*Requirements Concerning Reproductions*] (a) Reproductions shall be of a quality permitting all the details of the matter for which protection is sought to be clearly distinguished and permitting publication.

(b) Matter which is shown in a reproduction but for which protection is not sought may be indicated as provided for in the Administrative Instructions.

(3) [*Views Required*] (a) Subject to subparagraph (b), any Contracting Party which requires certain specified views of the product or products which constitute the industrial design or in relation to which the industrial design is to be used shall so notify the Director General, indicating the views that are required and the circumstances in which they are required.

(b) No Contracting Party may require more than one view where the industrial design or product is two-dimensional, or more than six views where the product is three-dimensional.

(4) [*Refusal on Grounds Relating to the Reproductions of the Industrial Design*] A Contracting Party may not refuse the effects of the international registration on the ground that requirements relating to the form of the reproductions of the industrial design that are additional to, or different from, those notified by that Contracting Party in accordance with paragraph (3)(a) have not been satisfied under its law. A Contracting Party may however refuse the effects of the international registration on the ground that the reproductions contained in the international registration are not sufficient to disclose fully the industrial design.

Rule 10
Specimens of the Industrial Design Where Deferment of Publication Is Requested

(1) [*Number of Specimens*] Where the international application contains a request for deferment of publication in respect of a two-dimensional industrial design and, instead of being accompanied by the reproductions referred to in Rule 9, is accompanied by specimens of the industrial design, the following number of specimens shall accompany the international application:

(i) one specimen for the International Bureau, and

(ii) one specimen for each designated Examining Office that has notified the International Bureau under Article 19(1) that it wishes to receive a copy of an international registration whose publication has been deferred.

(2) [*Specimens*] All the specimens shall be contained in a single package. The specimens may be folded. The maximum dimensions and weight of the package shall be specified in the Administrative Instructions.

Rule 11
Identity of Creator; Description; Claim

(1) [*Identity of Creator*] Where the international application contains indications concerning the identity of the creator of the industrial design, his name and address shall be given in accordance with the Administrative Instructions.

(2) [*Description*] Where the international application contains a description, the latter shall concern those features that appear in the reproductions of the industrial design. If the description exceeds 100 words, an additional fee, as set out in the Schedule of Fees, shall be payable.

(3) [*Claim*] A declaration under Article 17(1) that the law of a Contracting Party requires a claim in order for an application for the grant of protection to an industrial design to be accorded a filing date shall specify the exact wording of the required claim. Where the international application contains a claim, the wording of that claim shall be as specified in the said declaration.

Rule 12
Fees Concerning the International Application

(1) [*Prescribed Fees*] (a) The international application shall be subject to the payment of the following fees:

(i) a basic fee;

(ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2);

(iii) an individual designation fee in respect of each designated Contracting Party that has made a declaration under Article 7(2);

(iv) a publication fee.

(b) The amounts of the fees referred to in items (i), (ii) and (iv) are set out in the Schedule of Fees.

(2) [*When Fees to Be Paid*] The fees referred to in paragraph (1) are payable at the time of filing the international application, except that, where the international application contains a request for deferment of publication, the publication fee may be paid later, in accordance with Rule 15(3).

Rule 13
International Application Filed Through an Office

(1) [*Date of Receipt by Office and Transmittal to the International Bureau*] Where the international application is filed through the intermediary of the Office of the applicant's Contracting Party, that Office shall notify the applicant of the date on which it received the application. At the same time as it transmits the international application to the International Bureau, the Office shall notify the International Bureau of the date on which it received the application. The Office shall notify the applicant of the fact that it has transmitted the international application to the International Bureau.

(2) [*Transmittal Fee*] An Office that requires a transmittal fee, as provided for in Article 4(3), shall notify the International Bureau of the amount of such fee, which should not exceed the administrative costs of receiving and transmitting the international application, and its due date.

(3) [*Filing Date of International Application Filed Indirectly*] The filing date of an international application filed through the intermediary of an Office shall be

(i) the date on which the international application was received by that Office, provided that it is received by the International Bureau within one month of that date;

[Rule 13(3), continued]

(ii) in any other case, the date on which the International Bureau receives the international application.

(4) *[Filing Date Where Applicant's Contracting Party Requires a Security Clearance]* (a) Notwithstanding paragraph (3), a Contracting Party whose law, at the time that it becomes party to the Act, requires security clearance may, in a declaration, notify the Director General that the period of one month referred to in that paragraph shall be replaced by a period of three months.

(b) Where the international application is filed through the intermediary of the Office of a Contracting Party having made a declaration under subparagraph (a), that Office may, within three months from the date on which it received the international application, inform the International Bureau and the applicant that the international application cannot be transmitted to the International Bureau within the said three months. In that case, the filing date of the international application shall, notwithstanding subparagraph (a), be

(i) the date on which the international application was received by the said Office, provided that it is received by the International Bureau within six months of that date;

(ii) in any other case, the date on which the International Bureau receives the international application.

Rule 14
Examination by the International Bureau

(1) [*Filing Date*] The International Bureau shall accord to the international application a filing date, in accordance with Article 4(2) or Rule 13(3) or (4), and shall notify the applicant accordingly.

(2) [*Time Limit for Correcting Irregularities*] The prescribed time limit for correcting irregularities in accordance with Article 8 shall be three months from the date of the invitation sent by the International Bureau.

(3) [*Irregularities Entailing a Postponement of the Date of the International Registration*] The irregularities which entail a postponement of the date of the international registration, as referred to in Article 9(2)(b), are the following:

(a) the international application is not in the prescribed language or one of the prescribed languages;

(b) any of the following elements is missing from the international application:

(i) an express or implicit indication that international registration under the Act is sought;

[Rule 14(3)(b), continued]

(ii) indications allowing the identity of the applicant to be established;

(iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;

(iv) a reproduction, or, in accordance with Article 5(1)(iii), a specimen, of each industrial design that is the subject of the international application;

(v) the designation of at least one Contracting Party.

(4) [*Reimbursement of Fees*] Where, in accordance with Article 8(2)(a), the international application is considered abandoned, the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to the basic fee.

Rule 15
Deferment of Publication

(1) [*Maximum Period of Deferment*] The prescribed period for the purposes of Article 10(1)(a) and (2)(i) shall be 30 months from the filing date or, where priority is claimed, from the priority date of the application concerned.

(2) [*Period for Withdrawal of Designation Where Deferment Is Not Possible Under Applicable Law*] The period referred to in Article 10(3)(i) for the applicant to withdraw the designation of a Contracting Party whose law does not allow the deferment of publication shall be one month from the date of the notification sent by the International Bureau.

(3) [*Period for Paying Publication Fee and Submitting Reproductions*] The publication fee referred to in Rule 12(1)(a)(iv) shall be paid, and the reproductions referred to in Article 10(6)(b) shall be submitted, before the period of deferment applicable under Article 10(2) expires, or before the period of deferment is considered to have expired in accordance with Article 10(4)(a).

(4) [*Requirements Not Complied With*] If the requirements of paragraph (3) are not complied with, the international registration shall be canceled and shall not be published.

Rule 16
Registration of the Industrial Design in the International Register

(1) [*Registration of the Industrial Design in the International Register*] Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the industrial design in the International Register and send a certificate to the holder.

(2) [*Contents of the Registration*] The international registration shall contain

(i) all the data contained in the international application, except any priority claim under Rule 7(4)(e) where the date of the earlier filing is more than six months before the date of the international registration;

(ii) the date of the international registration;

(iii) the number of the international registration;

(iv) the relevant class of the International Classification, as determined by the International Bureau.

Rule 17
Publication of the International Registration

- (1) [*Timing of Publication*] The international registration shall be published
 - (i) where the applicant so requests, immediately after the registration,
 - (ii) where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired or is considered to have expired,
 - (iii) in any other case, six months after the date of the international registration.

- (2) [*Contents of Publication*] The publication of the international registration in the Bulletin, in accordance with Article 9(3), shall contain
 - (i) the data recorded in the International Register;
 - (ii) the reproduction or reproductions of the industrial design;
 - (iii) where publication has been deferred, an indication of the date on which the period of deferment expired or is considered to have expired.

CHAPTER 3
REFUSALS AND INVALIDATIONS

Rule 18
Notification of Refusal

(1) [*Period for Notification of Refusal*] (a) The prescribed period for the notification of refusal of the effects of an international registration in accordance with Article 11(2) shall be six months from the date on which the International Bureau sends to the Office concerned a copy of the publication of the international registration.

(b) Notwithstanding subparagraph (a), any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General that the period of six months referred to in that subparagraph shall be replaced by 12 months.

(c) The declaration referred to in subparagraph (b) may also state that the international registration shall produce the effect referred to in Article 12(2)(a) at the latest at a time specified in the declaration which may be later than the date referred to in that Article but which shall not be more than six months after the said date.

(2) [*Notification of Refusal*] (a) The notification of any refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) all the grounds on which the refusal is based together with a reference to the corresponding essential provisions of the law,

(iv) where the grounds on which the refusal is based refer to similarity with an industrial design which has been the subject of an earlier national, regional or international application or registration, the filing date and number, the priority date (if any), the registration date and number (if available) and the name and address of the owner of the earlier industrial design,

(v) where the refusal does not relate to all the industrial designs that are the subject of the international registration, an indication of the designs to which it relates or does not relate,

[Rule 18(2)(b), continued]

(vi) whether the refusal may be subject to review or appeal and, if so, the time limit, reasonable under the circumstances, for any request for review of, or appeal against, the refusal and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal, and

(vii) the date on which the refusal was pronounced.

(3) [*Notification of Withdrawal of Refusal*] (a) The notification of any withdrawal of refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

(i) the Office making the notification;

(ii) the number of the international registration;

(iii) where the withdrawal does not relate to all the industrial designs to which the refusal applied, an indication of the designs to which it relates or does not relate, and

(iv) the date on which the refusal was withdrawn.

(4) [*Recordal*] The International Bureau shall record any notification received under paragraph (2) or (3) in the International Register together with, in the case of a notification of refusal, an indication of the date on which the notification of refusal was sent to the International Bureau.

(5) [*Transmittal of Copies of Notifications*] The International Bureau shall transmit copies of notifications received under paragraph (2) or (3) to the holder.

Rule 19
Irregular Refusals

(1) [*Notification Not Regarded as Such*] (a) A notification of refusal shall not be regarded as such by the International Bureau and shall not be recorded in the International Register

(i) if it does not indicate the number of the international registration concerned, unless other indications contained in the notification permit the said registration to be identified,

(ii) if it does not indicate any grounds for refusal, or

(iii) if it is sent to the International Bureau after the expiry of the period applicable under Rule 18(1).

(b) Where subparagraph (a) applies, the International Bureau shall, unless it cannot identify the international registration concerned, transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of refusal is not regarded as such by the International Bureau and has not been recorded in the International Register, and shall indicate the reasons therefor.

- (2) [*Irregular Notification*] If the notification of refusal
- (i) is not signed on behalf of the Office which communicated the refusal, or does not otherwise comply with the requirements of Rule 2(1)(a),
 - (ii) does not contain, where applicable, the details of the earlier industrial design (Rule 18(2)(b)(iv)),
 - (iii) does not indicate, where applicable, the authority to which a request for review or an appeal lies and the applicable time limit, reasonable under the circumstances, for lodging such a request or appeal (Rule 18(2)(b)(vi)),
 - (iv) does not indicate the date on which the refusal was pronounced (Rule 18(2)(b)(vii)),

the International Bureau shall nevertheless record the refusal in the International Register and transmit a copy of the notification to the holder. If so requested by the holder, the International Bureau shall invite the Office which communicated the refusal to rectify its notification without delay.

Rule 20
Invalidations in Designated Contracting Parties

(1) [*Contents of the Notification of Invalidation*] Where the effects of an international registration are invalidated in a designated Contracting Party and the invalidation is no longer subject to any review or appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall notify the International Bureau accordingly. The notification shall indicate

- (i) the authority which pronounced the invalidation,
- (ii) the fact that the invalidation is no longer subject to appeal,
- (iii) the number of the international registration,
- (iv) the date on which the invalidation was pronounced and its effective date.

(2) [*Recordal of the Invalidation*] The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation.

CHAPTER 4
CHANGES AND CORRECTIONS

Rule 21
Recordal of a Change

(1) [*Presentation of the Request*] (a) A request for recordal shall be presented to the International Bureau on the relevant official form where the request relates to any of the following:

(i) a change in the ownership of the international registration in respect of all or some of the industrial designs that are the subject of the international registration;

(ii) a limitation, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration;

(iii) a renunciation of the international registration in respect of any or all of the designated Contracting Parties;

(iv) a change in the name or address of the holder.

[Rule 21(1), continued]

(b) The request shall be presented by the holder and signed by the holder; however, a request for recordal of a change in ownership may be presented by the new owner, provided that it is

(i) signed by the holder, or

(ii) signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder.

(2) [*Contents of the Request*] The request for the recordal of a change shall, in addition to the requested change, contain or indicate

(i) the number of the international registration concerned,

(ii) the name of the holder, unless the change relates to the name or address of the representative,

(iii) in case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, of the new owner of the international registration,

[Rule 21(2), continued]

(iv) in case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the new owner fulfills the conditions, under Article 3, to be the holder of an international registration,

(v) in case of a change in the ownership of the international registration that does not relate to all the industrial designs and to all the Contracting Parties, the numbers of the industrial designs and the designated Contracting Parties to which the change in ownership relates, and

(vi) the amount of the fees being paid and the method of payment, or instruction to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(3) [*Irregular Request*] If the request does not comply with the applicable requirements, the International Bureau shall notify that fact to the holder and, if the request was made by a person claiming to be the new owner, to that person.

(4) [*Time Allowed to Remedy Irregularity*] The irregularity may be remedied within three months from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within the said three months, the request shall be considered

[Rule 21(4), continued]

abandoned, and the International Bureau shall notify accordingly and at the same time the holder and, if the request was presented by a person claiming to be the new owner, that person, and shall refund any fees paid, after deduction of an amount corresponding to one-half of the relevant fees.

(5) [*Recordal and Notification of a Change*] (a) The International Bureau shall, provided that the request is in order, promptly record the change in the International Register and shall inform the holder. In the case of a recordal of a change in ownership, the International Bureau will inform both the new holder and the previous holder.

(b) The change shall be recorded as of the date of receipt by the International Bureau of the request complying with the applicable requirements. Where however the request indicates that the change should be recorded after another change, or after renewal of the international registration, the International Bureau shall proceed accordingly.

(6) [*Recordal of Partial Change in Ownership*] Assignment or other transfer of the international registration in respect of some only of the industrial designs, or some only of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred; any assigned or otherwise transferred part shall be canceled under the number of the said international

registration and recorded as a separate international registration. The separate international registration shall bear the number of the international registration of which a part has been assigned or otherwise transferred, together with a capital letter.

(7) [*Recordal of Merger of International Registrations*] Where the same natural person or legal entity becomes the holder of two or more international registrations resulting from a partial change in ownership, the registrations shall be merged at the request of the said person or entity, and paragraphs (1) to (6) shall apply *mutatis mutandis*. The international registration resulting from the merger shall bear the number of the international registration of which a part had been assigned or otherwise transferred, together, where applicable, with a capital letter.

Rule 22
Corrections in the International Register

(1) [*Correction*] Where the International Bureau, acting *ex officio* or at the request of the holder, considers that there is an error concerning an international registration in the International Register, it shall modify the Register accordingly.

(2) [*Notification*] The International Bureau shall notify accordingly the holder.

(3) [*Refusal of Effects of Correction*] The Office of any designated Contracting Party shall have the right to declare in a notification to the International Bureau that it refuses to recognize the effects of the correction. Article 11 and Rules 18 and 19 shall apply *mutatis mutandis*.

CHAPTER 5
RENEWALS

Rule 23
Unofficial Notice of Expiration

Six months before the expiration of a five-year term, the International Bureau shall send to the holder and his representative a notice indicating the date of expiration of the international registration. The fact that the said notice is not received shall not constitute an excuse for failure to comply with any time limit under Rule 24.

Rule 24
Details Concerning Renewal

(1) [Fees] (a) The international registration shall be renewed upon payment of the following fees:

(i) a basic fee;

(ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2) and for which the international registration is to be renewed;

(iii) an individual designation fee for each designated Contracting Party that has made a declaration under Article 7(2) and for which the international registration is to be renewed.

(b) The amounts of the fees referred to in items (i) and (ii) of subparagraph (a) are set out in the Schedule of Fees.

(c) The payment of the fees referred to in subparagraph (a) shall be made at the latest on the date on which the renewal of the international registration is due. However, it may still be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in the Schedule of Fees is paid at the same time.

(d) If any payment made for the purposes of renewal is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it shall be considered as having been received three months before that date.

(2) [*Further Details*] (a) Where the holder does not wish to renew the international registration

(i) in respect of a designated Contracting Party, or

(ii) in respect of any of the industrial designs that are the subject of the international registration,

payment of the required fees shall be accompanied by a statement indicating the Contracting Party or the numbers of the industrial designs for which the international registration is not to be renewed.

(b) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that the maximum period of protection for industrial designs in that Contracting Party has expired, payment of the required fees,

[Rule 24(2)(b), continued]

including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(c) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that a refusal is recorded in the International Register for that Contracting Party in respect of all the industrial designs concerned, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(d) The international registration may not be renewed in respect of any designated Contracting Party in respect of which an invalidation has been recorded for all the industrial designs under Rule 20 or in respect of which a renunciation has been recorded under Rule 21. The international registration may not be renewed in respect of any designated Contracting Party for those industrial designs in respect of which an invalidation in that Contracting Party has been recorded under Rule 20 or in respect of which a limitation has been recorded under Rule 21.

(3) [*Insufficient Fees*] (a) If the amount of the fees received is less than the amount required for renewal, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly. The notification shall specify the missing amount.

(b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(c), less than the amount required for renewal, the International Bureau shall not record the renewal, shall refund the amount received and shall notify accordingly the holder and the representative, if any.

Rule 25
Recordal of the Renewal; Certificate

(1) [*Recordal and Effective Date of the Renewal*] Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Rule 24(1)(c).

(2) [*Certificate*] The International Bureau shall send a certificate of renewal to the holder.

CHAPTER 6
BULLETIN

Rule 26
Bulletin

(1) [*Information Concerning International Registrations*] The International Bureau shall publish in the Bulletin relevant data concerning

(i) international registrations, in accordance with Rule 17;

(ii) refusals recorded under Rule 18(4), with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal;

(iii) invalidations recorded under Rule 20(2);

(iv) changes in ownership, limitations, renunciations and changes of name or address of the holder recorded under Rule 21;

(v) corrections effected under Rule 22;

[Rule 26(1), continued]

(vi) renewals recorded under Rule 25(1);

(vii) international registrations which have not been renewed.

(2) [*Information Concerning Declarations and Notifications; Other Information*] The International Bureau shall publish in the Bulletin any declaration or notification made by a Contracting Party under the Act or these Regulations, as well as a list of the days on which the International Bureau is not scheduled to open to the public during the current and the following calendar year.

(3) [*Number of Copies for Offices of Contracting Parties*] (a) The International Bureau shall send to the Office of each Contracting Party copies of the Bulletin. Each Office shall be entitled, free of charge, to two copies and, where during a given calendar year the number of designations recorded with respect to the Contracting Party concerned has exceeded 500, in the following year one additional copy and further additional copies for every 500 designations in excess of 500. Each Contracting Party may purchase every year, at half of the subscription price, the same number of copies as that to which it is entitled free of charge.

(b) If the Bulletin is available in more than one form, each Office may choose the form in which it wishes to receive any copy to which it is entitled.

CHAPTER 7
FEES

Rule 27
Payment of Fees

(1) [*Payments*] (a) Subject to subparagraph (b), the fees indicated in the Schedule of Fees shall be paid to the International Bureau by the applicant or the holder.

(b) Where the international application is filed through the intermediary of the Office of the applicant's Contracting Party, the fees payable in connection with that application may be paid through that Office if it accepts to collect and forward such fees and the applicant or the holder so wishes. Any Contracting Party whose Office accepts to collect and forward such fees shall notify that fact to the Director General.

(2) [*Modes of Payment*] The fees indicated in the Schedule of Fees may be paid to the International Bureau

(i) by debit to a current account with the International Bureau,

(ii) by payment into the Swiss postal cheque account or to any of the specified bank accounts of the International Bureau,

[Rule 27(2), continued]

(iii) by a banker's cheque,

(iv) by payment in cash at the International Bureau.

(3) [*Indications Accompanying the Payment*] At the time of the payment of any fee to the International Bureau, an indication must be given,

(i) before international registration, of the name of the applicant, the industrial design concerned and the purpose of the payment;

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment.

(4) [*Date of Payment*] (a) Subject to Rule 24(1)(d) and subparagraph (b), any fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives the required amount.

(b) Where the required amount is available in an account opened with the International Bureau and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an international application, a request for the recordal of a change, or an instruction to renew an international registration.

[Rule 27, continued]

(5) [*Change in the Amount of the Fees*] (a) Where an international application is filed through the Office of the applicant's Contracting Party and the amount of the fees payable in respect of the filing of the international application is changed between, on the one hand, the date on which the international application was received by that Office and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid on the first date shall be applicable.

(b) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid on the date of payment, or on the date considered to be the date of payment under Rule 24(1)(d), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

(c) Where the amount of any fee other than the fees referred to in subparagraphs (a) and (b) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

Rule 28
Currency of Payments

(1) [*Obligation to Use Swiss Currency*] All payments due under these Regulations shall be made to the International Bureau in Swiss currency irrespective of the fact that, where the fees are paid through an Office, such Office may have collected those fees in another currency.

(2) [*Establishment of the Amount of Individual Designation Fees in Swiss Currency*] (a) Where a Contracting Party makes a declaration under Article 7(2) that it wants to receive an individual designation fee, the amount of the fee indicated to the International Bureau shall be expressed in the currency used by its Office.

(b) Where the fee is indicated in the declaration referred to in subparagraph (a) in a currency other than Swiss currency, the Director General shall, after consultation with the Office of the Contracting Party concerned, establish the amount of the fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the fee in Swiss

currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

(d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is lower by at least 10% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Director General shall establish a new amount of the fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

Rule 29
Crediting of Fees to the Accounts of the Contracting Parties Concerned

Any standard designation fee or individual designation fee paid to the International Bureau in respect of a Contracting Party shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recordal of the international registration or renewal for which that fee has been paid was effected.

CHAPTER 8
MISCELLANEOUS

Rule 30
Amendment of Certain Rules

(1) [*Requirement of Unanimity*] Amendment of the following provisions of these Regulations shall require unanimity :

(i) Rule 7(6);

(ii) Rule 13(4);

(iii) Rule 15(1);

(iv) Rule 17(1)(iii);

(v) Rule 18(1);

(vi) the present Rule.

(2) [*Procedure*] Any proposal for amending a provision referred to in paragraph (1) shall be communicated to all Contracting Parties at least two months prior to the opening of the session of the Assembly which is called upon to make a decision on the proposal.

Rule 31
Administrative Instructions

(1) [*Establishment of Administrative Instructions; Matters Governed by Them*] (a) The Director General shall establish Administrative Instructions. He may modify them. He shall consult the Offices which have a direct interest in the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) [*Control by the Assembly*] The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

(3) [*Publication and Effective Date*] (a) The Administrative Instructions and any modification thereof shall be published in the Bulletin.

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Bulletin.

(4) [*Conflict with the Act or These Regulations*] In the case of conflict between any provision of the Administrative Instructions and any provision of the Act or of these Regulations, the latter shall prevail.

Rule 32
Declarations Made by Contracting Parties

(1) [*Making and Coming into Effect of Declarations*] Article 30(1) and (2) shall apply *mutatis mutandis* to the making of any declaration under Rules 8(1), 13(4)(a) or 18(1)(b) and to its coming into effect.

(2) [*Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect upon receipt by the Director General of the notification of withdrawal or at any later date indicated in the notification. In the case of a declaration made under Rule 18(1)(b), the withdrawal shall not affect an international registration whose date is earlier than the coming into effect of the said withdrawal.

[End of document]